

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MURRAY REHRS,)	
)	
Plaintiff,)	4:05CV3014
)	
v.)	
)	
THE IAMS COMPANY and PROCTOR)	MEMORANDUM AND ORDER
AND GAMBLE, INC.,)	
)	
Defendants.)	
)	

Upon consideration of the plaintiff's motion to quash and the materials filed in support thereof and in opposition thereto, I conclude that the motion was unnecessary in that defendant's counsel has stated he would have withdrawn the notice of deposition, had plaintiff's counsel followed the requirements of NECivR 7.1(i). Although request has been made for a telephone conference on this matter, I see no reason to convene one. Counsel should have conferred directly with each other. Had they done so earlier instead of relying on email transmissions, perhaps this matter would not have arisen.

IT THEREFORE HEREBY IS ORDERED,

1. The motion to quash, and the request for telephonic hearing, filing 45, are denied.
2. The notice of deposition, filing 44, is deemed withdrawn.
3. Defendant's request for an award of expenses, including attorneys fees, in responding to the motion remains pending. Plaintiff may respond to the request on or before September 13, 2005.

DATED this 6th day of September, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge